HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

SECOND APPEAL No.136 of 2006

JUDGMENT:

In this second appeal preferred by the 1st defendant/appellant, the 2nd respondent-Govind Reddy, who is the 2nd plaintiff, died even by the date of filing of the second appeal. The 3rd respondent-Raghavendra Rao, who is the 2nd defendant in the suit, is stated to be not a necessary party. The 1st respondent is the 1st plaintiff.

On 01.10.2013, when the matter came up for hearing, it was brought to the notice of the Court that the 1st respondent had died on 27.02.2012 and in fact the learned counsel Sri N. Subba Rao appearing for the said respondent had served a memo dated 24.09.2013. At that time, the learned counsel for the appellant was given four weeks time to take steps. However, as even by 19.03.2014 no steps were taken, further time of two weeks was granted. But by 25.04.2014 also no steps were taken. Therefore, the matter was directed to be listed after summer vacation, 2014. Despite listing the matter today, not only steps were not taken but also no representation was made for the appellant.

In view of the above, the Second Appeal is dismissed as abated. There shall be no order as to costs.

Miscellaneous petitions pending, if any, in this appeal shall stand closed.

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JUSTICE M. SEETHARAMA MURTI

20th August, 2014
Vjl